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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,746	02/14/2002	William A. Reed	920002.90248	1829
26710	7590	11/10/2003	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			HANSEN, JAMES ORVILLE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,746

Applicant(s)

REED ET AL.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-34 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10-26 is/are rejected.
- 7) ☒ Claim(s) 3,9 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Presently, no claims are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to the nonelected species. Election was made **without** traverse in Paper No. 4.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claims 10 & 13, the phrase "the shelf support" does not have a proper antecedent basis. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1),

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(2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2 & 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gidseg et al., [U.S. Patent No. 4,774,740]. Gidseg (figures 1-19) teaches of a refrigeration unit (fig. 1) having a cabinet defining a storage cavity with a frontal opening, and a door (14) covering the opening and mounted to the cabinet via two hinge assemblies (note fig. 1), at least one of the hinge assemblies including a first cam (88) having an undulating face surface including at least one oblique ramp surface (all depicted in fig. 9) and having an opposite back surface defining a key member (90 e.g.) for engaging a key member (66) of a first mounting bracket (64); and a second cam (80) having a complementary undulating face surface with at least one ramp surface (all depicted in fig. 9) matable with the face surface of the first cam, the second cam also having an opposite back surface defining a key member (78 e.g.) engaging a corresponding key member (76) of a second mounting bracket / flat plate (70); wherein the first cam can rotate with respect to the second cam when the door is opened and closed such that the opposing ramp surfaces biases the door toward the cabinet [see spec.,]. The key members of the cams being axially extending pins (figs. 9-10) and the key members of the brackets being keyway openings figs. 9-10) sized to

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receive the pins. The cams being made of a low friction, lubricious material [col. 2, lines 32-42]. The first came having two radially spaced ramp surfaces (note figs. 9-15) aligned for engagement with two radially spaced ramp surfaces of the second cam. The unit further including a hinge pin (96) disposed along the pivot axis through axial openings in the first and second cams (fig. 10). The back side of the second cam defining a sleeve (viewed as the interior surface structure of 78) aligned with the axially opening receiving the hinge pin and extending through an opening in the second mounting bracket.

6. Claims 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sedovic et al., [U.S. Patent No. 5,370,455]. Sedovic (figures 1-4) teaches of a refrigeration unit (fig. 1) comprising: a cabinet defining a storage cavity open at a front side and covered by a door mounted to the cabinet (all depicted in fig. 1). The door (14) having an inner surface (fig. 2 e.g.,) defining at least one pair of vertically aligned shelf support mounts /extending bosses (28), the shelf support mounts support at least one shelf (35) having a bottom (37) and a side rail (36) with opposite ends (38, 39) perpendicular to the door, the shelf support mounts including laterally spaced uprights (26, 27) as best understood by the examiner, the door defining a pair of shelf mounts / tracks (40) for engaging the shelf support mounts such that the shelf can be detached from the shelf support by tilting the shelf with respect to the shelf support and moving the shelf away from the door. The inner surface of the door being defined by an insert liner (21) which is a thermoformed plastic i.e., molded from a suitable plastic material as noted in the spec. The tracks have an open end toward the ends of the shelf side rail ends, wherein the tracks define a straight portion adjacent the open

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end and an angled portion extending at an oblique angle from the straight portion to a closed end (note figs. 2 & 3) in as much as applicant depicts the claimed feature.

7. Claims 17 & 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Traulsen [U.S. Patent No. 3,797,903]. Traulsen (figures 1-9) teaches of a refrigeration unit (fig. 1) comprising: a cabinet defining a storage cavity open at a front side and covered by a door (not shown but mentioned in the spec.) mounted to the cabinet. The cabinet having opposite first and second inner walls (32, 34) defining a pair of vertically aligned rests (54 e.g.,) for a planar shelf (60) sized to be supported via the rests, the first inner wall defining a concave recess (note 58 in fig. 5) adjacent an upper side of the rest, whereby the shelf can be pivoted upward (figs. 8-9) about the rest and dislocated from the rests without the door being swung clear of the access opening as readily apparent to the examiner. The unit having a plurality of shelves and vertically aligned rests (note fig. 1). The concave recess extending from the access opening (22) a distance less than the length of an edge (see fig. 1 e.g.,) of the shelf (viewed as either a lengthwise or widthwise edge).

8. Claims 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al., [U.S. Patent No. 6,238,032]. Cooper (figures 1-6) teaches of a refrigeration unit (figs. 1-3) comprising: a cabinet defining a storage cavity open at a front side and covered by a door mounted to the cabinet (all depicted in fig. 1). The cabinet having opposite first and second inner walls (44) defining a pair of vertically aligned rests (56 or 54 e.g.,) for a planar shelf (70) sized to be supported via the rests, the first inner wall defining a concave recess (top of 56 - note fig. 3) adjacent an upper side of the rest, whereby the shelf can be pivoted upward (gleaned from fig. 3) about the rest and dislocated from the rests without the door being swung clear of the access

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opening as readily apparent to the examiner. The inner walls being defined by an insert liner (40) which is a thermoformed plastic (note col. 2). The unit having a plurality of shelves and vertically aligned rests (note fig. 3). The concave recess extending from the access opening (50) a distance less than the length of an edge (see fig. 3 e.g.,) of the shelf (viewed as either a lengthwise or widthwise edge).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoy jr., et al., [U.S. Patent No. 6,220,437]. Knoy (figures 1-19) teaches of a planar shelf (col. 5, lines 58-59) for use within a refrigeration unit (note col. 5); the shelf including a graphic and text indicia (see fig. 6). The shelf being transparent (fig. 6) and the indicia is located at the underside of the shelf (col. 5, lines 63-65). Knoy teaches the structural claimed aspects of applicant's shelf and environment, but does not specifically show a cabinet with a door for closing off an access opening into the cabinet. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the refrigeration unit as having a cabinet and door since the prior art specifically discloses that the glass sheet is preferably constructed from tempered glass and its end use is a substantially horizontally oriented shelf in a refrigerator. A refrigerator typically incorporating a

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cabinet with a door. As such, one of ordinary skill in the art would render the incorporation of shelf used for a refrigerator (without refrigerator specifics being mentioned) as obvious since the knowledge in the art was previously known. As to the door having a shelf with a contoured profile and the glass having a corresponding contoured indicia, it is noted that the prior art (in col. 5) states that the indicia or designs can vary depending upon the particular end use of the glass i.e., shelf. As such, one of ordinary skill in the art would render the incorporation of a contoured indicia [so as to match the profile of a contoured door shelf – convention in the art as evident in the above cited prior art references] as being within an acceptable range of undo experimentation since the prior art states that the indicia may be modified to fit a particular end use as dictated by the user. As to the manner in which the indicia is applied, the method of forming the indicia is not germane to the issue of patentability, and therefore this limitation has not been given patentable weight.

11. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal [U.S. Patent No. 6,105,233]. Neal (figures 1-17) teaches of a planar shelf (fig. 10) for use within a refrigeration unit (note abstract); the shelf including a graphic indicia (71). Neal teaches the structural claimed aspects of applicant's shelf and environment, but does not specifically show a cabinet with a door for closing off an access opening into the cabinet. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the refrigeration unit as having a cabinet and door since the prior art specifically discloses that the horizontally oriented shelf be used within a refrigerator. A refrigerator typically incorporating a cabinet with a door. As such, one of ordinary skill in the art would render the incorporation of shelf used for a refrigerator (without refrigerator

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specifics being mentioned) as obvious since the knowledge in the art was previously known. As to the door having a shelf with a contoured profile and the glass having a corresponding contoured indicia, it is noted that the prior art (in col. 5) states that the indicia or designs can vary depending upon the particular end use of the glass i.e., shelf. As such, one of ordinary skill in the art would render the incorporation of a contoured indicia [so as to match the profile of a contoured door shelf – convention in the art as evident in the above cited prior art references] as being within an acceptable range of undo experimentation since the prior art states that the indicia may be modified to fit a particular end use as dictated by the user. As to the placement of the indicia, it would have been an obvious matter of design choice to modify the shelf by incorporating the indicia on either side [in this case the underside], since applicant has not disclosed that placing the indicia on the underside of the shelf solves any stated problem, it appears that the placement of such indicia would perform equally well on either side. As to the manner in which the indicia is applied, the method of forming the indicia is not germane to the issue of patentability, and therefore this limitation has not been given patentable weight.

Allowable Subject Matter

12. Claims 3, 9 & 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Pending further review and consideration, Claims 28-34 allowed.

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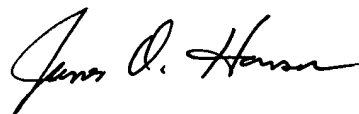
Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beatty describes a hinge assembly for a refrigeration unit. "Kitchen Trim and Panel Kits", Arnold et al., and Osen describe decorative panel assemblies for cabinet/appliance fronts. Dang, Werkmeister et al., German publication 222147, Money and Olsson describe shelves for refrigerator doors. Birgelis describes a refrigeration unit having slotted side walls for shelf members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
October 31, 2003